



NEW MEXICO  
FAMILY ADVOCACY  
PROGRAM

*Legal Advocacy for Achieving Cornerstone Principles*

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**NMFAP HELPS FAMILIES ACHIEVE BETTER OUTCOMES  
& SHORTEN TIME TO PERMANENCY BY:**

- Advocating for placements that maintain family connections.
- Advocating for treatment plans that are relevant and customized to the parent's particular issues, needs, and strengths.
- Advocating for opportunities to work cooperatively with CYFD through positive and regular communication via case-worker meetings and case conferences.
- Advocating for frequent visitation in the most natural setting possible.



NMFAP is committed to the principals of

# Cornerstone Advocacy

An Approach to Safe and Lasting Reunification

as developed by



# THE FOUR CORNERSTONES

## Visiting

Should be as frequent and long as possible, and in settings that most closely mimic family life.

## Placement

Should support a child's connections to family and the people and institutions that the child was connected to before placement.

**"Cornerstone Advocacy" supports family reunification by devoting intensive advocacy during the first 60 days of a case in four areas.**

## Services

Should address a parent and child's strengths and needs.

## Conferences

Should occur out of court and provide opportunities for parents and older youth to meaningfully participate in their case planning.



# FIRST CORNERSTONE: PLACEMENT

Appropriate placement eases the child's transition to foster care

- A placement that helps children stay connected to teachers, friends, and other community supports like therapists or physicians minimizes the disruption in a child's life.

Appropriate placement keeps parents engaged

- Foster parents who are willing to support a parent and child's relationship play a critical role in maintaining family ties that inspire parents to stay engaged in services.

Appropriate placement supports reunification

- A placement which appropriately supports a child's connection to family promotes reunification and eases the transition home.



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**WHERE AND HOW TO GET INFORMATION TO SUPPORT  
APPROPRIATE PLACEMENT, RELEVANT & TAILORED  
TREATMENT PLANS, AND INCREASED, QUALITY VISITATION:**

- FAP Social Worker, Parent Mentor and Attorney get family, fictive kin, community information, family strengths and needs from the client.
- Ask department Investigative Worker or Permanency Planning Worker for information about client's extended family CYFD has identified.
- Review the client's bio-psychosocial assessment, psychological evaluation, intake or other assessments, and progress reports from providers.
- Ask the child's Guardian ad Litem or Youth Attorney if the child has identified family members, fictive kin or community ties.

## WHERE & HOW TO ADVOCATE FOR APPROPRIATE PLACEMENT:

- At the Custody Hearing, NMSA 32A-4-18:
  - Is not probable cause because:
    - Offending parent/guardian has moved out & steps taken to insure safety (e.g. TRO)
    - There is an appropriate, willing and able safety monitor and a safety plan
  - Even if probable cause is found, the Court can *still* return legal custody to the parent/guardian.
    - An appropriate temporary guardian is present, willing and able to care for child/ren under a Power of Attorney
- If denied, Attorney should consider:
  - Filing a Motion to Reconsider
  - Filing an Expedited Appeal, pursuant to NM App. Proc. 112-206.1

## WHERE & HOW TO ADVOCATE FOR APPROPRIATE PLACEMENT:

- At Disposition, NMSA 32A-4-22:
  - Court must make findings about
    - Efforts to identify, locate, give notice to and study appropriate relatives for placement
    - Consideration of the child's familial identity and connections
    - Whether an appropriate relative has been found qualified to care for the child
  - Court has the authority to
    - Allow the child to remain with the parent/guardian, with conditions
    - Place the child under the protective supervision of the department
    - Transfer legal custody of the child to a non-custodial parent
- When all else fails, consider filing a motion asking the Court to find that the department has abused its discretion in its placement of the child.



## SECOND CORNERSTONE: SERVICES

### Poor or Inappropriate Services

may be ill-suited to the family and may create unnecessary demands on a parent who must attend programs, court appearances, and visits.

may lose legitimacy for parents and can cause them to disengage or “fail to comply.”

### Creative and Flexible Services

will keep parents engaged by ensuring that the services are meaningful and manageable given the parents’ other commitments.

will move the family towards reunification more quickly by addressing their needs and building on their strengths.



## WHERE & HOW TO ADVOCATE FOR TAILORED, APPROPRIATE SERVICES:

- At the Initial Assessment Planning Conference and/or the Custody Hearing
  - Assessments requested should be limited to addressing the reasons the child came in to care.
  - Psychological evaluations, DV assessments, drug/alcohol assessments, random u/a's should only be ordered if supported by evidence of need.
- At the Pre-Adjudicatory Meeting/Mediation
  - This can be a very good opportunity, but preparation with the client is critical.
- At ANY point in the case when it becomes apparent that the current services are not effective or productive.
  - If agreement can't be reached, request a hearing and subpoena your witnesses.

# THIRD CORNERSTONE: CONFERENCES

Many important decisions about a family's life are made outside court in family conferences.

- Will the family remain together?
- Will a family member become a foster parent?
- How often will the parent and child visit each week?
- Is the family ready for unsupervised visits?

However, historically there has been a disconnect between the social work sphere and the legal sphere.

- An attorney who is not aware of decisions made at a family conference may have inaccurate information or be unaware of issues arising from these conferences.

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## WHERE AND HOW TO ADVOCATE FOR MORE FREQUENT OR TIMELY FAMILY CONFERENCES:

- Request conferences (FCM, MDT, Status Conference, Mediation) based on needs or progress, not the legal or department timetable.
  - Don't wait for the Pre-Permanency Meeting!
- Get the support of providers about the need for a conference.
- Ask for a conference while in court and get it ordered and/or scheduled while everyone is present.

# FOURTH CORNERSTONE: VISITING

Visiting is the key  
to parent  
engagement

- Visiting enables parents to continue the relationship with their children and inspires them to keep working on getting them home.

Meaningful and  
frequent visitation is  
the single best  
predictor of safe and  
lasting reunification

Visiting helps  
children cope  
with foster care  
and eventually  
with the  
transition home

- When children can see their parents often and in circumstances that make them comfortable, they can talk with the people they most need to about what has happened— their parents.
- Quality visiting can help children preserve cherished rituals, share stories from school and social life, and continue to seek advice and encouragement from their parents.

- Practitioners should advocate for more frequent visits with as little supervision as necessary.
- When possible, visits should occur outside the agency and include activities that mimic family life.
- ALWAYS explore Visit Hosts





## WHERE & HOW TO ADVOCATE FOR MORE OR BETTER VISITATION:

- FAP Social Worker and/or Parent Mentor can talk with the CYFD investigator or PPW about potential visitation monitors or appropriate community activities (e.g. church or the children's sports games or practices).
- Attorney can phone and email the Children's Court Attorney with the information gathered by the FAP Social Worker or Parent Mentor.
- Attorney can request a meeting to address visitation, offering to have any proposed visitation monitors or community activity supervisors present.
- When all else fails, the Attorney can file a motion asking the Court to order the requested visitation.



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# THANK YOU!

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